

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TYRONE NOEL NUNN,

Plaintiff

v.

ELY STATE PRISON,

Defendant.

Case No. 2:24-cv-00988-GMN-EJY

ORDER

On May 28, 2024, Plaintiff submitted a Civil Rights Discrimination Complaint on a form provided by the Department of Health and Human Services Office for Civil Rights (“Office for Civil Rights”). ECF No. 1-1. Plaintiff neither paid the \$405 filing fee nor filed an application to proceed *in forma pauperis*, one of which is necessary to commence a civil action.

It is unclear whether Plaintiff seeks to file a Complaint with the Office for Civil Rights or is attempting to initiate a lawsuit in this federal court. If Plaintiff intended to initiate an action with the Office for Civil Rights, he must file a notice to voluntarily dismiss this action and refile his Complaint with the correct civil rights office. If Plaintiff seeks to initiate a civil rights lawsuit in the U.S. District Court for the District of Nevada, he must submit his Complaint on the approved form provided by this Court. *See* Local Rule LSR 2-1.

Plaintiff must also pay the filing fee or complete an application to proceed *in forma pauperis*. To proceed *in forma pauperis*, that is, without **prepaying** the filing fee, Plaintiff must comply with 28 U.S.C. § 1915(a) and Local Rule LSR 1-2. This requires Plaintiff to submit **three** required documents to the Court including: (1) a completed **Application to Proceed *in forma pauperis* for Inmate**, on this Court’s approved form (*i.e.* pages 1 through 3 with the inmate’s two signatures on page 3), (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (*i.e.* page 4 of this Court’s approved form), and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

Accordingly, IT IS HEREBY ORDERED that no later than **August 2, 2024**, Plaintiff must file a Complaint on this Court’s approved form and either pay the \$405 filing fee for a civil action

1 or file with the Court: (1) a complete **Application to Proceed in Forma Pauperis for Inmate** on
2 the Court's approved form; (2) a **Financial Certificate** properly signed by both the inmate and a
3 prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement**
4 **for the previous six-month period.**

5 IT IS FURTHER ORDERED that to the extent Plaintiff intended to initiate an action with
6 the Department of Health and Human Services Office for Civil Rights, Plaintiff must file a notice to
7 voluntarily dismiss this case, in this Court, and refile his Complaint with the correct civil rights
8 office.

9 IT IS FURTHER ORDERED that the Clerk of the Court **must** send to Plaintiff (1) the
10 approved form for filing a 42 U.S.C. § 1983 complaint, (2) instructions for completing the complaint,
11 (3) the application to proceed *in forma pauperis* for inmates, and (4) instructions for completing this
12 form. The Clerk of the Court will also send Plaintiff a copy of his Civil Rights Discrimination
13 Complaint (ECF No. 1-1).

14 IT IS FURTHER ORDERED that failure to file a complaint and either pay the \$405 filing
15 fee or file a complete application to proceed *in forma pauperis* on or before **August 2, 2024**, will
16 result in a recommendation to dismiss this action **without prejudice**. A dismissal without prejudice
17 allows Plaintiff to file his case with the Court, under a new case number, when he is able to comply
18 with LSR 2-1 and file a complete application to proceed *in forma pauperis* or pay the required filing
19 fee.

20 DATED this 5th day of June, 2024.

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22 ELAYNA J. YOUCHAH
23 UNITED STATES MAGISTRATE JUDGE
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